



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD BREUINGER and ITGA, LLC,

Plaintiffs,

- against -

T. EDWARD WILLIAMS et al.,

Defendants.
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20-CV-7033 (JPC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order addresses Plaintiff's request that the Court order Defendant Williams to pay an additional \$2,550 in sanctions based on Williams' failure to timely comply with the Court's August 5, 2024 order (Dkt. 345) requiring Williams to pay discovery costs of \$2,313 to Plaintiff within 10 days, failure to comply with which would result in a further sanction of \$100 per day until fully paid. (See Dkt. 360.)

The Court's August 5 order came about because Williams willfully failed to comply with an earlier order requiring Williams to make payment within 60 days. (See Dkt. 288.) Williams had no valid excuse for failing to comply with the earlier order, and claims that the reason he did not timely comply with the August 5 order is because Plaintiff delayed in providing payment information by two or three days. That completely overlooks that, by his own admission, Williams was not diligent in attempting to comply, having waited until two days (April 13, 2024) before the ten-day deadline expired (on April 15, 2024) to ask for the information. Williams does not offer any explanation for his having waited until then to request payment information.

Williams argues the \$100 per day coercive sanction cannot be imposed because the Court did not provide prior notice that a sanction would be imposed. That is simply incorrect given the order itself, which gave Williams 10 days to comply and expressly informed him of the consequences of failing to do so. Williams also argues that the August 5 order was not sufficiently clear because it does not say “how payment should be made and how the payment should be made.” (Dkt. 366 at 2.) No such specification was required for Williams to know what he had to do to comply.

All that said, Plaintiff overreaches by suggesting that Williams is responsible for the entirety of the delay. The Court finds that Williams is responsible for seven days of delay (during the ten-day period to comply) and shall therefore pay an additional amount of \$700 to Plaintiff. The Court finds that an award of attorney's fees is unwarranted.

Accordingly, Williams shall pay Plaintiff a total of \$700 within 10 days of this order.

The Clerk of Court is directed to terminate the letter motion at Dkt. 360.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: September 12, 2024
New York, New York

Copies transmitted this date to all counsel of record.